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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,697

11/07/2005

Zhaohui Lin

3249-102

8546

6449

7590

05/21/2008

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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SUITE 800

WASHINGTON, DC 20005

EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

05/21/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,697	<b>Applicant(s)</b> LIN ET AL.	
	<b>Examiner</b> Nghii H. Ly	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 4-15 and 20-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1-3 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US 6,078,959) in view of Dokko (US 2001/0004599A1).

Regarding claims 1 and 16, Wright teaches a call access control method (see Title and Abstract), comprising the following steps: (1) counting the number of accessed subscribers in all current communication time slots of the home base station for an access request (see column 1, line 22 to column 2, line 17, column 6, lines 44-54 and column 12, lines 3-32, and see column 4, lines 43-59 and column 7, lines 12-25, where

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Wright teaches determining the number and time slots), to determine channel resource occupations in different time slots (see column 1, line 22 to column 2, line 17, column 11, lines 29-42 and column 12, lines 18-32), (2) comparing the channel resource occupations in the different time slots (see column 2, lines 20-28, column 8 lines 20-55, and see column 5 lines 65 to column 6, line 4, and column 7, lines 55-61, where Wright teaches allocated the resources or time slots).

Wright does not specifically disclose allocating idle resource units in the time slots having available channel resources and the minimum number of accessed subscribers to the subscriber sending the access request.

Dokko teaches allocating idle resource units in the time slots having available channel resources and the minimum number of accessed subscribers to the subscriber sending the access request (see [0042] and [0046]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dokko into the system of Wright in order to provide a channel allocation method for radio data calls having different bandwidths to each other (see Dokko, [0002]).

Regarding claims 2 and 17, Wright teaches the access request in step (1) refers to a access call sent from a new mobile subscriber to the home base station (see column Abstract, fig.1 and column 3, line 13 to column 4, line 42).

Regarding claims 3 and 18, Wright teaches the access request in step (1) refers to a switching call sent from a mobile subscriber to adjacent cells (see column Abstract, fig.1 and column 3, line 13 to column 4, line 42).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US 6,078,959) in view of Dokko (US 2001/0004599A1) and further in view of Soumiya et al (US 5,818,818).

Regarding claim 19, the combination of Wright and Dokko teaches claim 16. The combination of Wright and Dokko does not specifically disclose arranging corresponding counter for different time slot respectively, so that the number of the counters equals to the maximum number of time slots for communication that can be supported by the base station, and counting accessed subscribers in the time slots, and increasing the corresponding counter by 1 if the current resource unit is occupied.

Soumiya teaches arranging corresponding counter for different time slot respectively, so that the number of the counters equals to the maximum number of time slots for communication that can be supported by the base station, and counting accessed subscribers in the time slots, and increasing the corresponding counter by 1 if the current resource unit is occupied (see Abstract, column 10, lines 24-31 and column 10. lines 43-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Soumiya into the system of Wright and Dokko in order to increase the efficiency of use of exchange equipment and transmission paths while satisfying user service quality requirements (see Soumiya, column 2, lines 28-31).

***Allowable Subject Matter***

5. Claims 4-15 and 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-15 and 20-24 are objected for the reason as stated in the previous Office action (page 5, dated 01/14/08).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/  
Primary Examiner, Art Unit 2617